

MINUTE ENTRY

9:25 a.m.

UNITED STATES OF AMERICA -v- JESUS AKIYAMA ALDAN

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING

K. LYNN LEMIEUX, COURTROOM DEPUTY

SANAE N. SHMULL, COURT REPORTER

TIMOTHY MORAN, ASSISTANT U.S. ATTORNEY

DAVID BANES, ATTORNEY FOR DEFENDANT

JESUS AKIYAMA ALDAN, DEFENDANT

PROCEEDINGS: REVOCATION HEARING

Defendant appeared with court appointed counsel, Attorney David Banes. Government was represented by Timothy Moran, AUSA. Also present was U. S. Probation Officer, Margarita Wonenberg.

Government stated that this matter was before the Court on a violation. Attorney Banes stated that the defendant admitted to the violations.

Government moved to have the defendant's supervised release revoked and that he be sentenced at the low-end of the range or 30 months of incarceration. Attorney Banes argued on behalf of the defendant.

Court, after hearing argument, ordered that Jesus A. Aldan's supervised release be REVOKED pursuant to 18 U.S.C. Â§3583(g)(1) and Â§7B1.3(a)(1) and sentenced him to a term of imprisonment of 30 months. Further, Court ordered that upon release from imprisonment, Jesus A. Aldan shall be placed on supervised release for a term of 42 months with the following conditions:

1. That the offender shall not commit another federal, state, or local offense;
2. That the offender shall not possess, use, distribute, or administer any controlled substances and that he shall submit to one urinalysis after release from imprisonment and to two more urinalysis thereafter not to exceed 60 days;
3. That the offender shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol;
4. That the offender refrain from any use of alcohol;
5. That the offender seek and maintain gainful employment; and
6. That the offender shall perform an additional 200 hours of community service hours under the direction of the United States Probation Office.

Defendant was advised that he had ten days in which to make an appeal on this sentencing. Further, he was advised, that if he could not afford counsel, that court would appoint counsel for his defense.

Defense requested 72 hours before the defendant was remanded into the custody of the U.S. Marshal. Court DENIED the motion.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. at 9:40 a.m.

; [KLL EOD 06/27/2005]